

SECOND DIVISION

[A.M. No. 05-8-539-RTC, November 11, 2005]

RE: JUDICIAL AUDIT CONDUCTED IN THE REGIONAL TRIAL COURT, BRANCH 54, LAPU-LAPU CITY.

D E C I S I O N

CALLEJO, SR., J.:

On April 4 to 8, 2005, the Office of the Court Administrator (OCA) conducted a judicial audit in the Regional Trial Court, Lapu-Lapu City, Branch 54, in view of the upcoming compulsory retirement of Presiding Judge Rumoldo R. Fernandez.

In its Report dated April 21, 2005, the audit team reported that there were 456 pending civil cases and 456 pending criminal cases, or a total caseload of 962. Out of this caseload, only 24 had been submitted for decision, 24 had pending incidents for resolution, while 112 may be considered "dormant" for not having been acted upon despite the lapse of a considerable length of time. The audit team also found that: (1) out of the 24 cases submitted for decision, four were already beyond the reglementary period; (2) the resolution of pending incidents in 15 of the 24 cases were overdue; (3) in 9 cases, the cancellation or forfeiture of bail bonds had not yet been effected as of the audit date; and (4) the Semestral Docket Inventory for the period of July to December 2004 was still being prepared. The audit team also found that the docket inventory of cases for the months of December 2004 to March 2005 had not yet been submitted.

Acting on the report of the audit team, Senior Deputy Court Administrator Zenaida N. Elepaño issued a Memorandum dated April 21, 2005, directing the respondent Judge:

- (a) to SUBMIT a written explanation of his failure to decide within the reglementary period the four of the twenty-five cases submitted for decision, and to DECIDE all cases submitted for decision before he compulsorily retires on July 1, 2005, furnishing the OCA with certified true copies of the decisions within five days from the rendition or promulgation thereof: ...
- (b) to SUBMIT a written explanation of his failure to resolve within the reglementary period the incidents in fifteen of the twenty-four cases with pending incidents for resolution, and to RESOLVE all incidents for resolution before he compulsorily retires on July 1, 2005, furnishing the OCA with certified true copies of the resolutions or orders within five days from the issuance of the orders or resolutions; ...
- (c) to SUBMIT a written explanation of his failure to act or to take further action on one hundred and ten cases despite the lapse

of a considerable length of time to the OCA within fifteen days from notice, and to TAKE APPROPRIATE ACTION thereon before he compulsorily retires on July 1, 2005, furnishing the OCA with certified true copies of the orders or resolutions thereon; and

- (d) to CAUSE the enforcement of the cancellation of forfeiture of bail bonds of the accused in the eleven criminal cases within fifteen days from notice, furnishing the OCA with proof of such cancellation or forfeiture within five days from the expiration of the 15-day period.

In the same Memorandum, Branch Clerk of Court Atty. Denis L. Pacas was likewise directed to explain his failure to submit on time the Semestral Docket Inventory for July to December 2004 and the monthly report of cases for the months of December 2004, January to March 2005, in violation of Administrative Circular No. 2-2001 dated January 2, 2001 and Administrative Circular No. 61-2000 dated December 10, 2001, respectively, and to submit the same within 15 days from notice.

In his Letter-Compliance dated May 20, 2005, the respondent Judge informed the OCA that he had finally decided all the criminal cases submitted for decision. Anent the cancellation or forfeiture of bail bonds in some criminal cases, he explained that the corresponding writs of execution were already issued and were subsequently implemented by the Branch Sheriff. He added that the civil cases had already been decided except for two remaining cases, Civil Case No. 4582-L entitled *Daño v. Heirs of Antonio Bancale, et al.* and Civil Case No. 4819-L entitled *Godornes, et al. v. Godornes, et al.*, which he was already working on. Judge Fernandez added that he was still in the process of resolving the cases with pending incidents and was reviewing all the other cases for appropriate action, and pointed out that a substantial number of these cases have been resolved. The respondent Judge requested that he be given until June 15, 2005 to decide Civil Case Nos. 4582-L and 4819-L, and to resolve all incidents of the other remaining cases pending before his *sala*.

In another Letter dated May 23, 2005, Judge Fernandez reported that the docket inventory of cases for the period of July to December 2004 was transmitted to the OCA on April 27, 2005, while the monthly report of cases for November and December 2004, and January to March 2005 had been completed and transmitted to the OCA on May 22, 2005. The respondent Judge begged for indulgence and compassion for the delay in the preparation and submission of the reports; the huge number of cases pending before his *sala*, coupled with the limited resources affected the performance of his duties. Moreover, the respondent Judge claimed, the delay was unintended and made in good faith.

Meanwhile, in a Letter dated May 23, 2005, Atty. Denis L. Pacas made the same report. He attributed the delay (on his part) to the numerous cases pending before the court, the various administrative and supervisory duties that he had to perform, and other several work-related constraints. He also pointed out that he had assumed the position of Branch Clerk of Court only last March 2004, and was still adjusting to the demands of the position. He humbly asked for consideration, compassion and leniency, and assured the OCA that he would exert utmost effort to submit his reports on time.

In the meantime, the respondent Judge compulsorily retired on July 1, 2005.

In a Memorandum dated August 22, 2005, the OCA found the foregoing explanations unsatisfactory and made the following recommendation:

1. this matter be treated as an administrative complaint against Judge Rumoldo R. Fernandez for gross inefficiency and Atty. Denis L. Pacas for violation of Administrative Circular No. 2-2001 dated January 2, 2001 and Administrative Circular No. 61-2001 dated December 10, 2001;
2. Judge Fernandez be FINED in the amount of TWENTY THOUSAND PESOS (P20,000.00) to be deducted from his retirement benefits; and
3. Atty. Pacas be ADMONISHED for his failure to submit the required semestral docket inventory and the monthly report of cases on time, with WARNING that a repetition of the same will be dealt with more severely.^[1]

The OCA opined that the failure of the respondent Judge to decide cases within the reglementary period constitutes gross inefficiency that warrants the imposition of an administrative sanction. In the same vein, his failure to resolve the pending incidents for resolution violated the norms of judicial conduct. The OCA noted that the respondent Judge "cannot hide under the much-abused excuse of heavy caseload to justify his failure to decide and resolve cases promptly."^[2]

As for Atty. Pacas, the OCA remarked that the delay in the preparation and submission of the semestral docket inventory for the period July to December 2004, as well as the monthly report of cases for the months of December 2004 and January to March 2005, does not speak well of his efficiency and competence. According to the OCA, his excuses – heavy caseload and being relatively new in his office – did not justify such infractions. However, since Atty. Pacas immediately complied with the April 21, 2005 Memorandum and committed to submit the required reports on time, the OCA opined that his plea for compassion and leniency deserved consideration.^[3]

The Court agrees with the findings and recommendation of the OCA.

No less than the Constitution itself states that "all cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from the date of submission for the Supreme Court, twelve months for all lower collegiate courts, and three months for all lower courts."^[4] The Court has repeatedly held that failure to comply with the above-quoted constitutionally enshrined periods for deciding cases or resolving matters constitutes gross inefficiency which warrants the imposition of administrative sanctions.^[5] Delay in the disposition of cases undermines the people's faith and confidence in the judicial system. Indeed, to uphold the integrity of the office, a judge's work should at all times reflect the import of diligence and professional competence.^[6]

Thus, the failure of a judge to decide a case within the reglementary period is not